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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by International Educational Development Inc., a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 March 1997]

1. International Educational Development/Humanitarian Law Project has devoted considerable attention to the situation in Mexico for the past several years. We have sent delegates for long-term stays in Mexico and have sent many others for short-term fact-finding missions and human rights training sessions. We have developed cooperative relationships with Mexican non-governmental organizations, including the national network of human rights organizations La Red Nacional de Organismos Civiles de Derechos Humanos "Todos los derechos para todos" (La Red). We have also noted that the Commission's Special Rapporteur on the question of torture and the working groups on disappearances and arbitrary detention have listed a number of cases in Mexico. We are pleased to provide below a summary of a recent report prepared by the Centro de Derechos Humanos Miguel Agustín Pro Juarez (Pro DH) for La Red on disappearances, arbitrary detention and torture in Mexico to further assist the Commission in its consideration of this item.

Overview

2. Disappearance, extrajudicial execution and arbitrary detention have become increasingly frequent under the Zedillo administration, and torture is now standard practice. The police enjoy virtual impunity and the judiciary is subjugated by the executive to repress social discontent. The rise in the use of the military in civilian roles such as public security is alarming. Death threats against human rights defenders is so rampant that international analysts have placed Mexico as the country with most persecution of human rights workers. The recently inaugurated Attorney-General of Mexico, Jorge Madrazo, publicly acknowledged the lack of confidence in his office and that many authorities are in violation of the law. 1/ The 19 February 1997 arrest warrant for General Gutierrez Rebollo for involvement with narco-traffickers weakens considerably the already low level of confidence in the Government. 2/

Disappearances and extrajudicial executions

3. Our organizations attest that the number of disappearances has increased in the past few years. Many of the disappeared have been leaders or activists in political organizations critical of the Government, or members of civil organizations. One member organization of our Red reports that in the last several months there have been 100 documented cases. 3/ Due to our campaigns, most reappear following several days of interrogation under torture. 4/ Pro DH currently has the cases of 23 persons who disappeared recently and have not been found. Business people with alleged links to narcotic trafficking have disappeared in Tijuana, Sinaloa and Chihuahua. 5/

4. In Guerrero alone there have been over 100 assassinations of community leaders and members of the Partido Revolucionario Democrático (PRD) since June 1995 and over 400 since 1988. 6/

Torture

5. The Supreme Court has upheld that first testimony, even if taken under torture, takes precedence over other testimony in criminal trials. This ruling goes against international standards relating to torture. 7/ In 1996 Mexico promulgated a law (La Ley Federal Contra el Crímen Organisado) allowing more than 72 hours of incommunicado detention. These two aberrations enhance the likelihood of torture in Mexico and illustrate a lack of intention

by the Government to eradicate torture in Mexico. On the contrary, at time of writing not one official is in prison for torture. And, since the 1991 "anti-torture" act, no victim of torture has received any compensation.

Arbitrary detention and torture

6. In practice, the police frequently arrest people and then begin to investigate. Therefore, many arrests occur without probable cause or even any meaningful evidence. This is particularly true in areas of social unrest or where there are suspected narco-traffickers and typically happens as follows. The army or police converge on a town at night, randomly take people into custody, and interrogate and torture them for one to three days hoping to obtain information about such issues as the People's Revolutionary Army (EPR) and traffickers. In these cases, arrests are made of people known to be innocent. 8/

Subordination of judicial authority

7. There is growing evidence of judicial decisions being based on political pressures rather than the law. Pro DH has documented its legal defence of certain persons where political pressure on the judiciary was clear. 9/ Judges who defy political pressure risk assassination, as was the case with Supreme Court Magistrate Abraham Polo Uscanga. Some political prisoners are freed if they agree to support electoral candidates they previously opposed. 10/

Militarization

8. Mexico is facing the militarization of some of the poorest zones of the country - Oaxaca, Chiapas, Michoacán, Puebla and Chihuahua - on the pretext of fighting guerrillas and narco-traffickers. Militarization brings with it grave consequences for the lives of the farm worker communities, and has caused displacement, interrogation, prostitution, alcoholism and assault. 11/

9. Following the many cases that we have received, it has become clear that the army is targeting members of civil organizations as possible members of armed movements. In areas where the EPR has appeared, whole communities are suspect. This has led to many community leaders being detained, tortured, held incommunicado and subjected to death threats if they denounce their captors. Searches without warrants and roadblocks aggravate the climate of fear and oppression in these areas.

10. Our organizations are concerned about the numbers of military personnel in the offices of the Attorney-General and the State police authorities (Seguridad Pública). In the Attorney-General's office military personnel hold 6 of the key positions; in the Seguridad Pública they hold 25 out of 32 such positions. There may be as many as 3,000 military in the police authorities throughout Mexico.

Persecution of human rights defenders

11. Mexican human rights organizations are increasingly worried by direct threats against them. At our office (Pro DH) we have received bomb threats and our staff have received threats to their physical integrity. Some of these threats contain information that could only be obtained with close

surveillance of our offices and activities. All member organizations of La Red have received similar threats. 12/

Conclusion

12. We call upon the national and international communities to voice their concerns regarding violations of human rights in Mexico and to encourage the Mexican authorities to comply with their obligations under domestic and international law. We also ask that investigations of the Mexican situation be undertaken by international institutions. We especially request the Commission on Human Rights to appoint a rapporteur.

Notes

1/ See, for example, La Jornada, 6 February 1997, p. 1.

2/ General Gutiérrez Rebollo was the Director of the National Institute to Combat Drugs (INCD).

3/ Jornado Nacional por la Libertad de Todos los Presos Políticos, Boletin de Prensa, 20 January 1997.

4/ La Red reports on the cases of Magencio Abad Zeferino Domínguez, Luis Gonzaga Lara and Alfonso Albarado Lopez as examples.

5/ See Academia de Derechos Humanos de Baja California, Report on Disappearances (1996).

6/ The human rights section of PRD has documentation of these killings.

7/ Pro DH, Informe para la Comisión Interamericana de Derechos Humanos (July 1996) at pp. 117-121.

8/ See, for example, Pro DH, La Violencia en Oaxaca (1996). Media sources indicate 150 arrests of this type between June 1996 and February 1997. The Government's National Commission on Human Rights has a programme to document these cases, yet fear of reprisals keep many victims silent.

9/ Pro DH, Informe Sobre la Defensa Jurídica de los Presuntos Zapatistas Presos (1997).

10/ See, for example, the situation in Tepotzlan, documented by Pro DH. Pro DH, Tepotzlan: El Derecho de un Pueblo a Sobrevivir (1996).

11/ La Red, Informe Sobre la Situacion General de los Derechos Humanos in Mexico (1996).

12/ La Red, La Red Denuncia Campaña Sistemática y Nacional Contra Defensores de Derechos Humanos (June 1996). See also, Comisión Nacional de Derechos Humanos, Informe Anual (1995).